

Varghese & Associates, P.C.

2 Wall Street

New York, NY 10005

(212) 430-6469

www.vargheselaw.com

December 12, 2019

VIA ECF

The Honorable P. Kevin Castel  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007

Re: United States of America v. Niket Jain  
19 cr. 59 (PKC)

Dear Judge Castel:

Pursuant to Local Civil Rule 1.4, I write this letter to respectfully request that the Court relieve my firm and me as prior counsel from representation of Mr. Jain and to excuse our appearance at the upcoming court conference on December 19, 2019 at 12:30 pm. The bases for these requests are that Mr. Jain made clear to us that he no longer wished our representation, that Mr. Benjamin Allee was taking over, and that I am scheduled to be in a different courthouse at the same time as next week's conference.

On November 22, 2019, via email, Mr. Jain informed us that we no longer represented him and that Mr. Allee and Yankwitt LLP were his new counsel.<sup>1</sup> Mr. Allee then informed the Court of the same when he filed his notice of appearance (Dkt. 33) and a letter indicating he was "substitute" counsel (Dkt. 34).<sup>2</sup> Subsequently, there were multiple telephonic and written communications between Mr. Allee and our office regarding files and the work of the digital forensic team that we had retained to evaluate the government's discovery. We have previously detailed our forensic team's work to the Court (Dkt. 26).

<sup>1</sup> If the Court requires, we will provide specific details of Mr. Jain's communications to us but would need to do so ex parte.

<sup>2</sup> Mr. Allee made his appearance here as substitute counsel without utilizing a stipulation of substitution, as described in the Committee Note to Local Civil Rule 1.4 on pages 11-12. Thus, I am required to make this request in this manner.

*Application DENIED  
The Court needs to  
hear from Mr. Allee  
and Mr. Jain - before  
I can grant the application.  
SO ORDERED  
[Signature] USDJ  
12-13-19*

Finally, prior counsel is required to be in a different courthouse at the same time as the conference here. The judge in that matter had set that appearance before the Court fixed the date here.<sup>3</sup> We thank the Court for consideration of our requests to be relieved and to excuse our appearance for next week.

Respectfully submitted,

VARGHESE & ASSOCIATES, P.C.

By: /s/  
Vino P. Varghese

*Counsel for Niket Jain*

cc: Mr. Niket Jain via email  
Assistant United States Attorney Tara La Morte via ECF  
Mr. Benjamin Allee, Esq. via ECF

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<sup>3</sup> If the Court requires, I will provide details of the other court appearance, ex-parte.